

03 July 2025

Markets policy

1 Introduction

1.1 The council recognises the important contribution that markets make to the local economy and the character of the area. They contribute in a number of ways to the local communities they serve.

1.2 This markets policy sets out the basis upon which markets are held and the process by which applications for new markets will be considered.

1.3 The council recognises that there are many different types of market activities and, accordingly, the markets policy is intended to cater for each type. In particular, the markets policy distinguishes between commercial markets and those that are largely community-based with a strong charitable element. Section 6 of the markets policy deals with the different types of market activities and sets out the council's approach when considering applications in respect of such markets.

2 South Gloucestershire Council's market rights

2.1 The Council have powers to establish and operate markets under the Markets Charter and Part III of the Food Act 1984 and Local Government (miscellaneous provisions) Act 1982 S.37.

2.2 The statutory powers afforded to the Council under these provisions enable the Council to:

- Operate markets within the district of South Gloucestershire
- Implement a markets policy within its area
- Licence markets operated within the district of South Gloucestershire in accordance with the markets policy.
- Approve temporary markets

3 Market charters

3.1 Market Charters Thornbury and Chipping Sodbury have established rights to hold a market. If markets are held in accordance with the provisions of their charter they will be exempt from the requirement to apply for a licence under the markets policy or hold a street trading consent.

3.2 Any markets organised under the auspices of the market authority for Chipping Sodbury and Thornbury in the following locations will be considered to be exempted from the market policy and street trading activities by virtue of the historical charters in place:-

Chipping Sodbury: Horse Street, Broad Street and High Street.

Thornbury: High Street, Rock Street (including car park), Main Shopping Centre (The Plain) and Castle Street.

4 What is a market event?

4.1 The markets policy is intended to cover all market events held within South Gloucestershire Council's area. In order that potential market operators are fully aware of the council's definition of a market the following guidelines are provided:

4.2. The legal definition of a market is a 'concourse of buyers and sellers'.

A market shall be comprised of not less than five stalls, stands, vehicles (whether moveable or not) or pitches from which articles are sold and normally there shall be a range of different sellers.

4.3. A market may be held either outdoors or indoors and on public or private land.

4.4. Markets include car boot sales, antique and craft markets, general markets, food markets, farmers' markets and charitable markets. However, this list is not exhaustive.

4.5. There shall be an operator of the market who shall be responsible for the organisation and delivery of the market event.

4.6. A market operator means the person, body or organisation to which a market licence is granted by the council. A market licence, once granted, is not transferrable.

4.7. A market may sometimes be held as part of a wider event. When this arises the market element (comprising of 5 or more stalls) of the event shall be subject to the markets policy.

4.8. The markets policy differentiates between markets of a commercial nature and community-based markets that have a strong charitable element, where at least 80% of the proceeds are donated to a charitable cause with a valid charity number or community-based group.

4.9. A commercial market is one which is operated for profit and where the traders are engaged in a business activity of selling goods for their own purposes.

4.10. Community-based markets are organised by local communities or organisations with the intention of raising funds for a specific charity, good cause such as a community organisation or celebrating a special event. The market must be operated on a non-profit making basis and the operator shall, if requested, supply relevant information as proof of this to the council.

While it is recognised and acknowledged that some traders may be selling goods for their own purposes, the council shall expect there to be a strong community element in the way

the event is organised, where at least 80% of the proceeds are donated to a charitable cause with a valid charity number or community-based group.

4.11. This markets policy does not apply to street trading activities where applications are made by individuals to stand a stall on a street designated by the council as a consent or licence street.

4.12. Street trading is controlled by a different licensing process and relates to the granting of individual trading licences for identified streets.

4.13. Further information about street trading activities and licences can be found on the South Gloucestershire Council website: www.southglos.gov.uk/street-trading.

Alternatively, you can contact the council's Licensing Team at licensing@southglos.gov.uk.

5 Market operator

5.1 A market operator is defined as a person, body or organisation to whom a market licence is granted by the council.

6 Licensing of markets under the council's market policy

6.1. The council's consent to a market, by the grant of a market licence, must be given prior to the event taking place. Any market that takes place without such a licence shall be in breach of the markets policy and may be subject to the enforcement action described in Section 13 below.

6.2 The council will consider applications in respect of the following categories of market events:

- i) Commercial markets
- ii) Markets with a strong charitable or community element

The criteria set out below will be relevant in respect of both categories of market event

i) Commercial markets

6.3 A commercial market is one which is operated for profit and where the traders are engaged in a business activity of selling goods for their own purposes. The council shall consider applications in respect of commercial markets having regard to the following matters:

- a) The applicant is required to provide a site plan showing the extent of the proposed market area and proposed layout of stalls.
- b) The applicant is required to undertake a risk assessment in relation to the proposed operation of the market and make this available for inspection by the council upon request.
- c) The applicant must ensure that all other necessary consents and licences have been obtained prior to the market taking place.
- d) A fee will be charged for any application to the council. The fee will be based on the size and number of traders engaged in the market event.

- e) In respect of any consent the operator must have adequate insurances, comply with trading standards guidelines, health and safety requirements and any other statutory provisions laid down by the council.
- f) A licensing agreement will be entered into between the operator and the council and such licensing agreement must be concluded before the market takes place.
- g) Engagement with the Safety Advisory Group may be required by the market organiser. Details can be found at www.southglos.gov.uk/event-safety
- h) The council will insist on such other requirements as are deemed appropriate to ensure consumer and public safety standards.
- i) The council will consult residents within 100 meters of the proposed site.

ii) Community-based markets

6.4 Some markets are organised by local communities or organisations with the intention of raising funds for a specific charity or celebrating a special event. The council shall consider applications in respect of community-based markets having regard to the following matters:

- a) The markets must be operated on a non-profit making basis to assist a charity/community, and the operator shall supply relevant information to the council evidencing the same if requested. While it is acknowledged that some traders will be selling goods for their own purposes, the council will look for the event to have a strong charitable element in the way the event is organised, where at least 80% of the proceeds are donated to a charitable cause with a valid charity number or community-based group.
- b) The applicant is required to undertake a risk assessment in relation to the proposed operation of the market and make this available for inspection by the council upon request.
- c) The applicant must ensure that all other necessary consents and licences have been obtained prior to the market taking place.
- d) In respect of any consent the operator must have adequate insurances, comply with trading standards guidelines, health and safety requirements and any other statutory provisions laid down by the council.
- e) A licensing agreement will be entered into between the operator and the council and such licensing agreement must be concluded before the market takes place.
- f) The council will insist on such other requirements as are deemed appropriate to ensure consumer and public safety standards.
- g) Engagement with the Safety Advisory Group will be required by the market organiser. Details can be found at www.southglos.gov.uk/event-safety
- h) Where the market is to be operated on a non-profit making basis and the number of stalls is 50 or less and there are 8 or fewer events per twelve months, then the application fee will be waived
- i) Car boot sales will be permitted where (a) they are held by charitable organisations and (b) where all the proceeds raised by the organiser are donated to a charitable or community projects. In other words all proceeds made from the stall charges, entry fees etc. are donated.

7 Process for determining market licence applications

7.1 An electronic version of the council's markets policy, together with the relevant market licence application form, can be viewed and downloaded from the public website. A market licence application form can be found on the public website. An example market licence terms and conditions can be found on the public website.

7.2 The council will endeavour to deal with applications for a markets licence within a period of twenty working days from receipt of the application. Applicants are urged to submit an application as early as possible to ensure that the council has adequate time to consider the relevant matters in an appropriate way. In considering the application the council will require sufficient information to deal with the application form. Failure to provide such information is likely to lead to a delay in the council coming to a decision.

7.3 All decisions to grant market licenses are made at the discretion of South Gloucestershire Council.

8 Commercial market licence fees

8.1 A licence fee is payable upon application for a commercial market licence has been submitted to the council. A licence agreement for the identified events will be drawn-up by the Council.

8.2 The licence fee for commercial markets will be based on the size of the market and the frequency of the market. Please contact licensing@southglos.gov.uk for the current list of fees

8.3 All fees are payable to South Gloucestershire Council.

9 Appeal process

9.1 If the council decides to refuse an application for a market licence it will contact the applicant and set out the reasons for its decision.

9.2 There is no statutory right of appeal against refusal to issue a market licence, however you may appeal against the decision.

9.3 Any appeal against a decision to refuse a market licence must be made in writing to the council, setting out the reasons the applicant believes the refusal is unwarranted.

9.4 On receipt of an appeal request the decision to refuse the market will be reviewed and the applicant informed of the outcome.

10 Renewing a market licence

10.1 Market operators should re-submit their application every 12 months if they wish to continue to operate a regular market. This must be done at least one month before their current market licence expires.

10.2 The council will not send out reminders for renewals. It is up to the operator to renew their application on time.

10.3 Lapsed market licences will be dealt with as new applications.

11 Other approvals

11.1 It is important to emphasise that any approval given by the Council in accordance with this Market Policy shall not remove the requirement for any other relevant approvals, consents and licences to be obtained by the Market Operator.

11.2 Where the market is being held on private land the Market Operator must ensure that the prior approval of the relevant landowner is obtained.

11.3 The Market Operator shall be responsible for any temporary road closures and associated traffic management arrangements that may be required in order to facilitate the operation of the market. South Gloucestershire Council has legal powers to temporarily close roads and divert traffic in order to facilitate various types of event, applications for temporary road closures in relation to markets.

11.4 The Market Operator should consult with the Council's Planning Department to ascertain whether planning consent is needed for the market to operate. Any market held in the same location for 14 or more days in a calendar year will require planning consent.

11.5 Attention is also drawn to the provisions of the Licensing Act 2003 in respect of any entertainment provided at the market or where a Temporary Events Notice might be required in respect of the sale of hot food or alcohol. Contact: licensing@southglos.gov.uk

11.6 The Council may require evidence of these approvals being obtained prior to the granting of a market licence.

11.7 The role of the Safety Advisory Group is important in ensuring the safe running of any event. They provide a forum for discussing and advising on public safety at an event. They aim to help organisers with the planning, and management of an event and to encourage cooperation and coordination between all relevant agencies. Further advice can be found at www.southglos.gov.uk/event-safety.

12 Parish and town councils

12.1 The council recognises the important role played by Parish and Town Councils in serving local communities and also acknowledges the contribution made by Parish and Town Councils to a wide range of community events which include on occasions, a market element.

12.2 Where appropriate, the council will work with Parish and Town Councils and where these communities have a or have had a market charter to become market authorities in their own right. If this is not a process that they wish to undertake, then they will need to apply using the markets policy for their relevant permissions to hold a market, commercial or community-based.

13 Enforcement

13.1 The council will monitor the application of its markets policy and any market event which is operated after the date of the adoption of this markets policy will be subject to the council's requirements.

13.2 Any market which is not approved by the council under this markets policy will be subject to legal action and the council may seek an appropriate remedy in the courts to prevent the market being held and/or damages as appropriate.

13.3 Any market operator acting in contravention of any market licence granted by the council will run the risk of the licence being terminated by the council with immediate effect on such terms as the council determines and, in such circumstances, the council reserves the right to refuse any future applications for market licences submitted by the operator concerned or any person or organisation associated with the operator.

13.4 Any costs of, or associated with, enforcement action deemed necessary as a result of the market operator's failure to comply with the market policy will be recovered from the market operator.

14 Review

14.1 The council will review this policy as necessary. The council will continue to evaluate the policy and may update it at any time.